

SALWILLEL THOMAS FIELDS	§	
v.	§	CIVIL ACTION NO. 6:09cv8
MAXIE CERLIANO, ET AL.	§	

The Plaintiff Salwillel Fields, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On February 12, 2009, the Magistrate Judge ordered Fields to pay an initial partial filing fee of \$10.66, pursuant to 28 U.S.C. §1915(b). Fields filed a response on March 6, 2009, saying that he had written to five people to pay the fee, that someone would send it before the 30-day deadline was up, that “all of them might send it,” and that “the money will be there.” To date, the initial partial filing fee has not been paid.

On April 7, 2009, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. A copy of this Report was sent to Fields at his last known address, return receipt requested, but no objections have been received; accordingly, accordingly, Fields is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions

accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 24th day of June, 2009.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE